

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

VINCENT TODD OCHOA,)	
)	
Petitioner,)	
)	
v.)	CIV-05-154-R
)	
LENORA JORDAN,)	
)	
Respondent.)	

ORDER

Before the Court are the Report and Recommendation of United States Magistrate Judge Valerie K. Couch entered March 31, 2006 and Petitioner's Objection to the Report and Recommendation filed April 20, 2006. In his Objection, "Petitioner objects to the Magistrates Report and Recommendation in its complete entirety and every point by the Magistrate as to every single issue." Objection at p. 2. Indeed, Petitioner's Objection, including his incorporated "Motion to Stay and Motion for Court to Order Respondent to Serve and Deliver State Court Records," is 47 pages long. However, Petitioner's arguments are the arguments verbatim that he made before the Magistrate Judge in his Reply Brief.

Pursuant to 28 U.S.C. § 636(b)(1)(B), the Court has reviewed the Report and Recommendation *de novo* in light of the entire record. The Court fully concurs in the excellent and thorough analysis of Petitioner's claims by the Magistrate Judge and in her findings and conclusions. Further the Court specifically concurs in the conclusion by the Magistrate Judge that in the circumstances of this particular case, the policies and procedures in the Court's Electronic Case Filing: Policies & Procedures Manual (April 6, 2004) at ¶

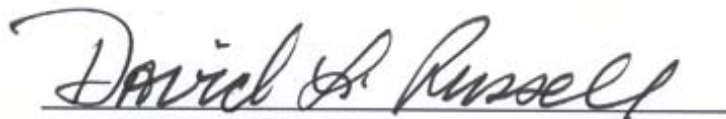
III(E), should be modified, *see id.* at p. 1, Introduction, so as not to require that Respondent serve upon Petitioner complete copies of the trial transcript and the videotape. The Court agrees with the Magistrate Judge's findings with respect to the "circumstances of this particular case" that Respondent served on Petitioner portions of the transcript she relied on and deemed relevant as Exhibits to her Response to the Petition herein and that Petitioner had not shown good cause or need for the entire transcript and videotape. As to Petitioner's renewed Motion to Stay and Motion for Court to Order Respondent to Serve and Deliver State Court Records, the Court finds that Petitioner has shown no particularized need for the transcripts¹ and videotape, has been served with copies of those portions of the transcripts on which Respondent relies and deems relevant and has been able to adequately object to the Report and Recommendation. Thus, in the circumstances of this particular case, Respondent is not required to serve upon Petitioner copies of the state court records conventionally filed on September 21, 2005. *See Policies & Procedure Manual* at p. 1, Introduction. Petitioner's motion is, therefore, DENIED.

In accordance with the foregoing, the Report and Recommendation entered March 31, 2006, is ADOPTED in its entirety, the Amended Petition for a Writ of Habeas Corpus [Doc. No. 19] is DENIED; Petitioner's Application for Discovery Documents and Transcripts [Doc. No. 31] is DENIED; Petitioner's Motion to Amend and Stay Proceedings [Doc. No. 34] is DENIED; Petitioner's Motion for Court to Order Respondent to Serve and Deliver

¹The volumes of transcripts are approximately 6 inches in thickness.

State Court Records and Transcripts [Doc. No. 40] is DENIED; and Petitioner's Motion to Stay and Motion for Court to Order Respondent to Serve and Deliver State Court Records [Doc. No. 44] is DENIED.

It is so ordered this 24th day of May, 2006.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE